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SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

October Term, 1975

No. 75-554

FRANK S. BEAL, Individually and as Secretary of the Department of Public Welfare, Commonwealth of Pennsylvania; ROGER CUTT, Individually and as Assistant Deputy Secretary for Medical Services, Commonwealth of Pennsylvania; GLENN JOHNSON, Individually and as Chief of the Bureau of Medical Assistance, Commonwealth of Pennsylvania; EDWARD KALBERER, Individually and as Executive Director of the Allegheny County Board of Assistance; and THE DEPARTMENT OF PUBLIC WELFARE, OF THE COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

ANN DOE; BETTY DOE, a Minor, by Her Mother as Representative, Mother B. Doe; CATHY DOE; DONNA DOE; a Minor, by her Mother as Representative, Mother D. Doe; ELAINE DOE; JANE DOE, a Minor, by Her Father as Representative, Father J. Doe; NANCY DOE; PATRICIA DOE; RUTH DOE; SYLVIA DOE; and TONI DOE, Each Individually and on Behalf of All Other Women Similarly Situated.

Respondents.

MOTION OF RESPONDENTS FOR
LEAVE TO PROCEED IN FORMA PAUPERIS

R. Stanton Wettick, Jr.
310 Plaza Building
Pittsburgh, PA 15219
412- 281-1662

To the Honorable, the Chief Justice and the Associate Justices
of the Supreme Court of the United States:

Respondents by their attorney, R. Stanton Wettick,
Jr., move this Honorable Court for an order granting leave to
proceed in forma pauperis in the proceedings before this Court
pursuant to United States Supreme Court Rule 53 and 28 U.S.C.
§1915 and for leave to file briefs, appendices and other papers
in typewritten form.

In support of said Motion, Respondents submit the
affidavit attached hereto.

R. Stanton Wettick, Jr.

R. STANTON WETTICK, JR.

Neighborhood Legal Services
Association
310 Plaza Building
535 Fifth Avenue
Pittsburgh, PA 15219
(412) 281-1662

ATTORNEY FOR RESPONDENTS

CERTIFICATE OF SERVICE

I, R. Stanton Wettick, Jr., hereby certify that
service of Respondents' Motion for Leave to Proceed in Forma
Pauperis, together with the attached affidavit, was made on
counsel for petitioners by delivering and/or mailing by first-
class postage prepaid a copy of said Motion to Norman J. Watkins,
Deputy Attorney General, Department of Justice, Capital Annex,
Harrisburg, Pennsylvania 17120.

All parties required to be served have been served.

DATED: November 27, 1975

R. Stanton Wettick, Jr.
R. STANTON WETTICK, JR.
Attorney for Respondents

AFFIDAVIT IN SUPPORT OF MOTION FOR
LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, R. Stanton Wettick, Jr., being duly sworn, depose and say:

1. I am counsel for the Respondents in the proceedings before this Court.

2. To the best of my knowledge, information and belief, Respondents are without money or other property with which to pay the costs of printing Respondents' Brief in the proceedings before this Court or any other fees or costs.

3. At the time these proceedings were instituted, each of the eleven Respondents was an indigent woman eligible for benefits under the Pennsylvania Medical Assistance Program, a program to provide free medical assistance to low-income persons.

4. Affidavits of each of the eleven Respondents were filed with the District Court in which each Respondent averred that she was a Public Assistance recipient and did not have funds to pay for an abortion. See pp. 26a-47a, Appendix filed in the Court of Appeals for the Third Circuit.

5. The issue in this case concerns only matters of interest to indigent persons, namely the legality of Department of Public Welfare Regulations which exclude many abortions from Medical Assistance coverage.

6. Respondents were permitted to proceed in forma pauperis in the proceedings before the Court of Appeals for the Third Circuit.

R. Stanton Wettick, Jr.
R. STANTON WETTICK, JR.

SWORN to and subscribed
before me this 24th

day of November, 1975.

Mary Eileen Deering
Notary Public